

FILED

MAY 11 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELBERT WILLIS,

Defendant.

CR 15-6-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to: (1) one count of possession of child pornography in violation of 18 U.S. conspiring with the intent to distribute, and to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846 (Count I), 2252A(a)(5)(B) (Count I); (2) one count of distributing heroin in violation of 21 U.S.C. § 841(a)(1) (Count IV); and (3) one count of transporting a person with the intent to have the person engage in criminal sexual activity in violation of 18 U.S.C. § 2421 (Count X), all as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II,

III, V, IX, XI, XII, XIII, XIV and XV of the Indictment.

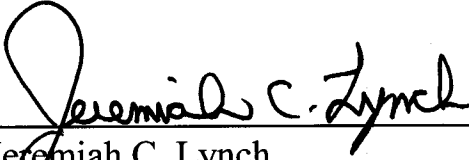
After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That his pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I, IV, and X of the Indictment, and that sentence be imposed. I further recommend that Counts II, III, V, IX, XI, XII, XIII, XIV and XV of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 11th day of May, 2015.



Jeremiah C. Lynch
United States Magistrate Judge